

## Unions appeal pay hike denial, ask governor back to bargaining table

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By PHIL DRAKE

HELENA – The head of Montana's largest public employees union told members Tuesday an appeal was filed to overturn a **Board of Personnel Appeals** recommendation that upholds a decision by the state Legislature to deny raises to state employees promised by the governor. And on Tuesday, the heads of three unions sent a "demand to bargain" letter to the governor asking him to return to renegotiate a pay plan with them.



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"We continue to believe our **ULP** (unfair labor practice) has merit even if it does discomfort the legislature that apparently does not believe it must comply with its own directives and adopted state policy," **Eric Feaver**, (pictured at left) president of the MEA-MFT, sent in an e-mail to members. "If we are unable to prevail going forward, then in effect state employees do not enjoy the right to bargain a successor agreement under current legislative interpretation of law and abject rejection of past practice."

He said the board of personnel appeals is expected to hear the appeal on Dec. 15. And **Sarah Elliott**, communications director for the governor, said the unions' demand to bargain was still under review.

Senate President Jim Peterson, R-Buffalo, said he was not surprised by the union appeal. "I guess we will just go through the process," he said, adding their complaint did not have merit and the Legislature acted in good faith.

Hearings Officer Terry Spear recommended Sept. 28 that the deal negotiated between the governor and three state employee unions depended upon approval by the Legislature.

However, in June, an investigator with the **state Board of Personnel Appeals** said there is "probable merit" to the unfair labor practice charge.

The unions filed with the Board of Personnel Appeals in late May, after the GOP-controlled Legislature rejected House Bill 13, a 4 percent pay raise for employees. The raises were to be enacted over a two-year period with 1 percent in 2012 and 3 percent in 2013. Lawmakers said the state could not afford the salary increases even though state employees had gone two years without a raise.

The **MEA-MFT, the Montana Public Employees Association and the American Federation of State, County and Municipal Employees**, said the state failed to bargain in good faith and act in a timely manner. Officials said the raises would have cost the state \$21 million.

However, Terry Johnson, the legislative fiscal analyst, recently told a state panel that net revenues for the year that ended June 30 were \$76 million higher than projected.

As far as the extra \$76 million projected by the legislative fiscal analyst, Peterson said he would rather return it to taxpayers.

"It's good that Montana is in good fiscal condition," he said. "But anyone who says the economy is recovering – there's no assurance of that anywhere. Montana's unemployment numbers continue to grow. I can't imagine anyone being uncomfortable with Montana having money in the bank, it's a good place to be."

Feaver told members the fight would continue.

"Bottom line, we are not done advocating for our state employee members," Feaver wrote Tuesday. "We may be sailing into uncharted waters where monsters lay in wait . . . but frankly, we must sail on come what may."

Feaver also said the unions on Tuesday presented Gov. Brian Schweitzer a "Demand to Bargain."

The letter states the 2011 legislature received erroneous revenue forecasts that underestimated "Montana's capacity to pay its valuable and committed state employees. In short, the legislature failed to ratify an economic agreement that we now can say with clarity was way short of its capacity to pay."

The letter asks the state to return to renegotiate the pay plan and to respond with a list of

proposed bargaining dates. Feaver said if a deal were renegotiated, it could prompt the governor to call a special session of the Legislature to ratify it.

Below, is the text of a letter sent to the governor from the three unions:

Dear Governor Schweitzer:

As we all know well, the 2011 Montana State Legislature failed to take appropriate and timely action on HB 13. HB 13 contained base salary increases for state employees that we bargained with you and our members ratified.

In addition, by accident or design, the 2011 legislature periodically received erroneous revenue forecasts that seriously underestimated ongoing robust growth in Montana's capacity to pay its valuable and committed state employees.

In short, the legislature failed to ratify an economic agreement that we now can say with clarity was way short of its capacity to pay.

It is our position that since the legislature failed to adopt HB 13, there is no economic agreement for the current biennium. Consequently, we believe the State of Montana and state employee unions should jointly comply with the policy of this state and return to the bargaining table to negotiate a pay plan.

Please consider this letter a demand to bargain. And please respond in a timely fashion with a list of proposed bargaining dates.

Thank you.

Sincerely,

Quinton Nyman, executive director MPEA

Timm Twardoski, executive director AFSCME

Eric Feaver, president, MEA-MFT

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